



ORDINANCE NO. 1894



AN ORDINANCE OF THE CITY OF FARMERS BRANCH AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT - INTERIM USE (TO EXPIRE ON JUNE 18, 1995) TO ALLOW AN ADDITIONAL DISPLAY AREA FOR THE SALE OF USED CARS WITHIN THE PLANNED DEVELOPMENT NO. 33 (PD-33) ZONING DISTRICT ON A .517 ACRE TRACT OF LAND SPECIFICALLY DESCRIBED AS THE AMERICAN PETROFINA SUBDIVISION AND MORE COMMONLY KNOWN AS 2420 VALWOOD PARKWAY; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit-Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with existing uses of adjacent and nearby property;
2. That the proposed use is not consistent with: (a) the reasonable foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit-Interim Use; and (b) the use of the property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit-Interim Use is in effect;
4. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
5. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of the permit.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to the granting of Specific Use Permits-Interim Use under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning use should be made, subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch be, and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a Specific Use Permit-Interim Use expiring on June 18, 1995 to allow an additional display area, as indicated on the approved site plan attached as Exhibit "A", for the sale of used cars within the Planned Development No. 33 (PD-33) Zoning District on a .517 acre tract of land specifically described as the American Petrofina Subdivision and more commonly known as 2420 Valwood Parkway.

SECTION 2. That this Specific Use Permit-Interim Use shall apply only to the area at the northeast corner of the site and designated as "Display Area for Interim Use" on the attached Exhibit "A", and shall have no effect on the right to sell used cars on the remainder of the site as established by Ordinance No. 1888.

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

SECTION 7. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance and as the law in such case provides.

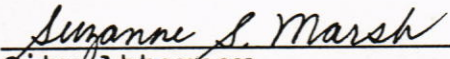
DULY PASSED BY THE CITY COUNCIL of the City of Farmers Branch, Texas, on this the 18th day of June, 1990.

APPROVED:



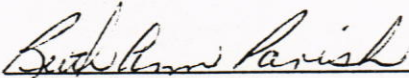
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

Exhibit "A"

VALWOOD PARKWAY

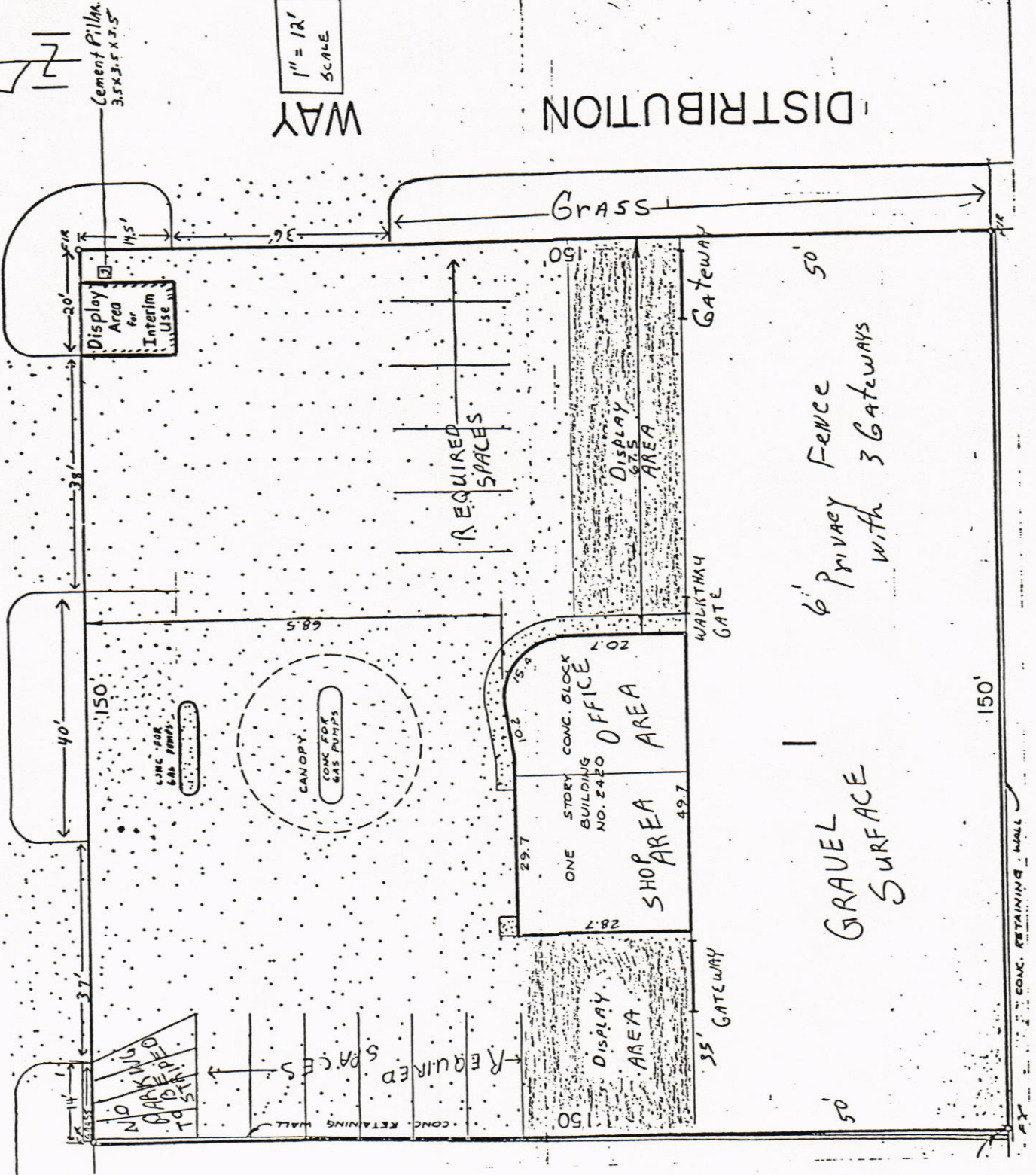
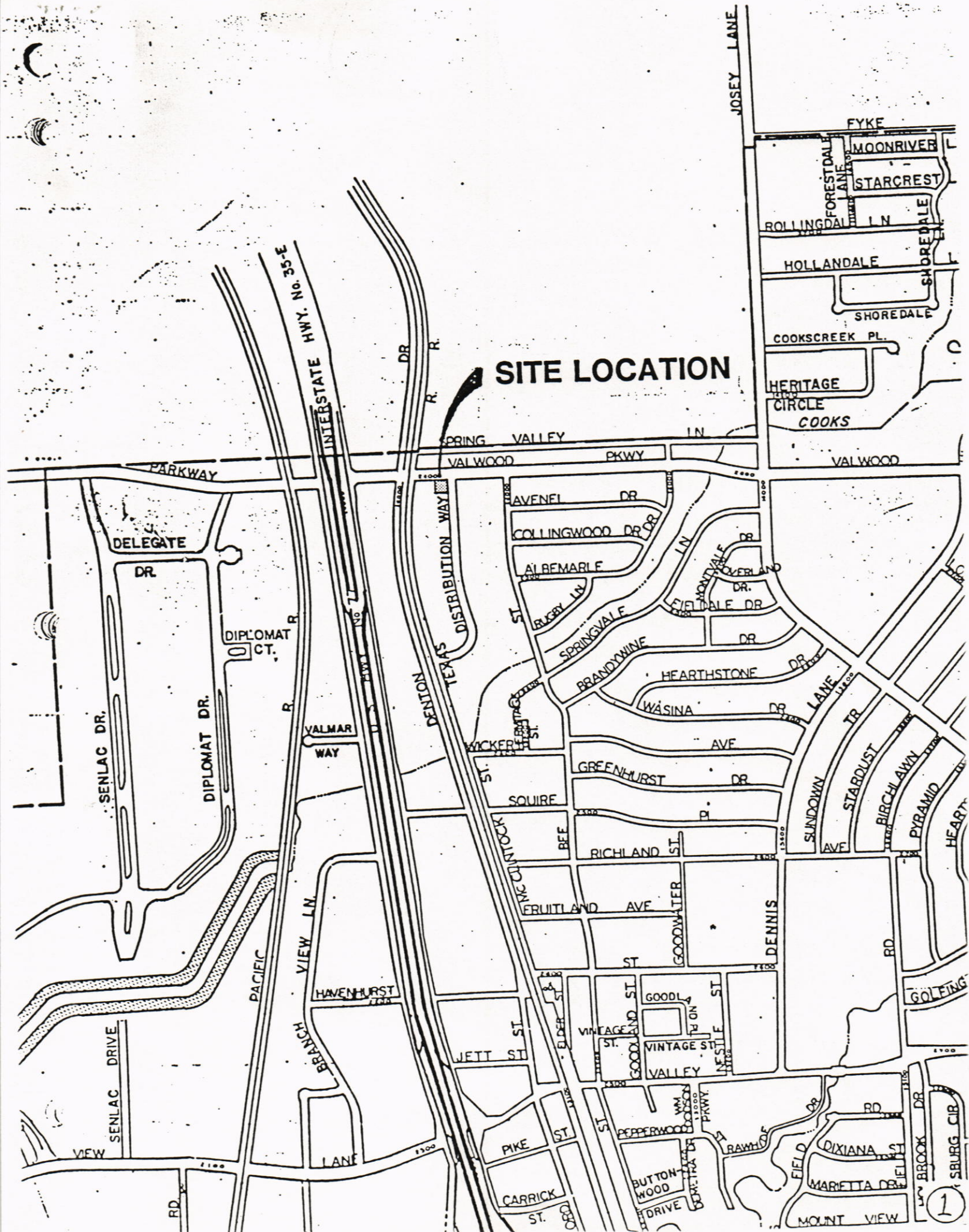


Exhibit "A"



FILING FEE \$300.00

CITY OF FARMERS BRANCH

APPLICATION FOR SPECIFIC USE PERMIT-INTERIM USE

Pursuant to Section 8-450, et seq. of the Zoning Ordinance (Ordinance No. 769, as amended) of the City of Farmers Branch, Texas, application is hereby made for Specific Use Permit - Interim Use and to Reference this use on the Zoning District Map of the City of Farmers Branch, Texas. In support of such request the undersigned applicant, under penalty of perjury, would show the following facts:

1. APPLICANT Billy Moses 2420 Valwood F.B. 75234
Name Mailing Address

2. DESCRIPTION OF PROPERTY AMERICAN Petrofina Subdivision
(Legal description & map must be attached)

LOT 1 BLOCK STREET # 2420

STREET Valwood FRONTAGE IN FEET 150

ON Valwood STREET DEPTH IN FEET 150

3. APPLICANT'S INTEREST IN PROPERTY Agent & owner
Owner, Agent, Lease, Option, etc.

4. Persons (other than applicant) holding a proprietary interest, lien or encumbrance on the property: (all information must be completed or shown as "not applicable").

	Name	Address
OWNER:	<u>BILL MOSES</u>	<u>3527 APPLE VALLEY F.B. TX</u>

LESSEE: Metrocrest Oil & Auto 2420 Valwood
(including all lessees and sub-lessees of the owner and the applicant)

LIENHOLDERS: F.D.I.C.
(including leasehold mortgagors)

OTHER PROPRIETARY INTEREST HOLDERS: 14019 Denton Dr. Bill Moses Auto Sales Inc
(all other equitable and beneficial owners of any interest in the property)

5. PRESENT ZONING P.D. 33

6. REASON FOR REQUEST Allow additional display areas for n/c sales

7. PROPOSED USE OF PROPERTY Service Station & Auto Sales
8. Nature and extent of expenditures and capital improvements contemplated (including Applicant's best estimate of the cost or amount of the improvement or expenditure)

IMPROVEMENT OR EXPENDITURECOST OR AMOUNT

\$
\$
\$

Total

9. Applicant's best estimate of the period of time required to recover the total cost shown above:

0 Years

0 Months

10. Period for which the Specific Use Permit - Interim Use is sought: 5 Years and _____ Months
Ending _____, 1995.
(May not be less than the period shown in Paragraph 9 above.)

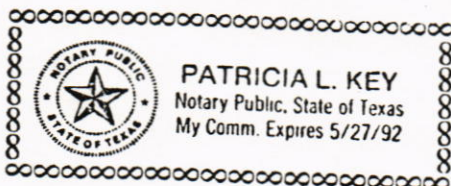
Are there deed restrictions which would prevent this property from being used in the manner herein proposed?(If so, explain.)

no

Bill Waseo
Signature of Applicant

6-7-90
Date

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE Seventh
DAY OF June A. D., 1990.



Patricia L. King
NOTARY PUBLIC in and for Dallas
County, Texas

My Commission expires 05/27/92

FDIC

ACKNOWLEDGEMENT, CONSENT AND AGREEMENT
OF PROPRIETARY INTEREST HOLDERS

The following is to be completed by Applicant and all persons owning a proprietary interest in the Property, as shown in Item 4 above:

The undersigned does hereby acknowledge, consent and agree as follows:

(i) that the Specific Use Permit - Interim Use for the Property for which this application has been made, if granted, will expire by its own terms on or before the expiration date specified by the applicant in Paragraph 10 above;

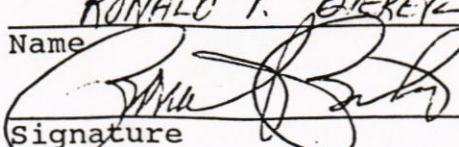
(ii) that the use for the Property which the applicant seeks the Specific Use Permit - Interim Use to be granted shall be terminated on or before such date and the Property may thereafter be used only in accordance with the zoning applicable to the Property in effect on such date, excluding the uses permitted by the Specific Use Permit - Interim Use;

(iii) that the undersigned has, and shall have, no right to continued use of the Property for the use specified in the Specific Use Permit - Interim Use after such date, and that any and all such rights are hereby expressly released, waived and abandoned;

(iv) that any and all investment in the property made by the undersigned subsequent to or in reliance upon the issuance of the Specific Use Permit - Interim Use which has not been recovered prior to expiration of the Specific Use Permit - Interim Use may not thereafter be recovered through continued use of the Property in the manner theretofore authorized by the Specific Use Permit - Interim Use; and

(v) that as a condition to the effectiveness of the Specific Use Permit - Interim Use the foregoing Application shall be recorded in the Deed Records of Dallas County, Texas.

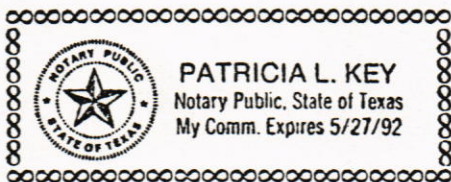
Executed by the undersigned on the dates set forth below.

RONALD F. BIEKER
Name

Signature
DEPARTMENT HEAD, REAL ESTATE
Title
6/7/90
Date

ACKNOWLEDGEMENT (INDIVIDUAL)

STATE OF TEXAS
COUNTY OF DALLAS

This Instrument was acknowledged before me on 6/7, 1990,
by Ronald F. Becker (an individual).



Patricia L. Key
NOTARY PUBLIC in and for Dallas
County, Texas

My Commission expires 5/27/90

ACKNOWLEDGEMENT (CORPORATION OR PARTNERSHIP)

STATE OF TEXAS
COUNTY OF DALLAS

This Instrument was acknowledged before me on _____,
(date)

by _____, _____ of
(Name of Person) (Title)

_____, a _____
(Name of Corp. or Partnership) (Corporation or Partnership)

on behalf of said _____.
(Corporation or Partnership)

NOTARY PUBLIC in and for Dallas
County, Texas

My Commission expires _____